

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BRUCE MCGRONE,

Plaintiff,

vs.

TAGGART BOYD, Warden;
CORPORAL SORENSEN, Guard;
THE STATE OF NEBRASKA DEPT.
OF CORRECTIONS, and SHELLY R.
STRATMAN, Judge;

Defendants.

8:18CV233

**MEMORANDUM
AND ORDER**

This matter is before the court on correspondence from Plaintiff dated September 5, 2018, which the court construes as a motion for appointment of counsel and a motion for extension of time. ([Filing No. 21.](#))

I. MOTION FOR APPOINTMENT OF COUNSEL

Plaintiff requests that counsel be appointed for him. ([*Id.* at CM/ECF p. 1.](#)) As the court has previously explained (*see filing no. 12 at CM/ECF p. 3*), the court cannot routinely appoint counsel in civil cases. *See Davis v. Scott, 94 F.3d 444, 447 (8th Cir. 1996)* (“Indigent civil litigants do not have a constitutional or statutory right to appointed counsel.”) Plaintiff has not yet paid his required initial partial filing fee, nor has the court yet conducted a preliminary review of Plaintiff’s claims to determine whether summary dismissal is appropriate under [28 U.S.C. § 1915\(e\)\(2\)](#). This case cannot progress until the matter of the initial partial filing fee is resolved, after payment of which the court will conduct its review of the Complaint in its normal course of business. Additionally, the court has considered “the factual and legal complexity of the case, the presence or absence of conflicting testimony, and the plaintiff’s ability to investigate the facts and present

his claim,” *Davis*, 94 F.3d at 447, and again will deny Plaintiff’s request for the appointment of counsel without prejudice to reassertion.

II. MOTION FOR EXTENSION OF TIME

In his correspondence, Plaintiff requests “more extension time than Sept[ember] 21, 2018 to pay for the initial partial filing fees of \$4.15.” ([Filing No. 21 at CM/ECF p. 3.](#)) Upon due consideration, Plaintiff’s request for an extension is granted and he shall have an additional thirty days to pay his initial partial filing fee.

IT IS THEREFORE ORDERED that:

1. Plaintiff’s motion for the appointment of counsel ([filing no. 21](#)) is denied without prejudice to reassertion.
2. Plaintiff’s request for an extension of time is granted. Plaintiff has until **October 22, 2018**, to pay his initial partial filing fee of \$4.15.
3. The clerk’s office is directed to set a pro se case management deadline in this case using the following text: **October 22, 2018**: initial partial filing fee payment due.

Dated this 14th day of September, 2018.

BY THE COURT:

s/ *Richard G. Kopf*
Senior United States District Judge